

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

DEC 5 2017

RANJITH KEERIKKATTIL	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No.: 1:16-cv-827-CMH-MSN
	:	
STACY SAWIN, <i>et al.</i> ,	:	Hon. Claude M. Hilton
	:	
Defendants.	:	

**MOTION FOR EXTENTION OF TIME TO FILE
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

On November 7, 2016, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Deloitte LLP, Deloitte Consulting LLP, Deloitte Services LP, Alicia Carberry, Derick Masengale, Mike Preston, Pamela Seats and Eric Janson (collectively "Deloitte Defendants") filed their Motion to Dismiss (ECF No. 10). Defendants Stacy Sawin and Andrew Sawin (collectively "Sawin Defendants") also filed their Motion to Dismiss, pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure (ECF No. 13) on the same day.

On November 28, 2016, Plaintiff filed his First Amended Complaint (ECF No. 30), pursuant to Rule 15(a)(1)(B). On December 14, 2016, both Deloitte and Sawin Defendants untimely filed their Motions to Dismiss Plaintiff's First Amended Complaint (ECF Nos. 33 & 36). The time to respond to an amended complaint is found in Rule 15(a)(3), which provides that:

Time to Respond. Unless the court orders otherwise, any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.

Accordingly, Deloitte and Sawin Defendants' Motions to Dismiss (ECF Nos. 33 & 36) were due by December 12, 2016. Hence, Deloitte and Sawin Defendants' Motions to Dismiss must be dismissed as untimely¹.

Perhaps realizing their untimely filing of Motions to Dismiss, Deloitte and Sawin Defendants filed their Answer to Plaintiff's Amended Complaint on December 21, 2016. *See* ECF Nos. 40-43. The filing of Answer to Plaintiff's Amended Complaint moots any pending Motions to Dismiss requesting the dismissal of the same Amended Complaint.

Notwithstanding the fact that Defendants' Motions to Dismiss should be denied as untimely and/or moot, Plaintiff seeks an extension of 11 days to file his Opposition to Deloitte and Sawin Defendants' Motions to Dismiss First Amended Complaint, which in addition to being factually and legally deficient, contains multiple extraneous, scurrilous, and defamatory accusations against Plaintiff. On December 5, 2016, Plaintiff sent an e-mail to Defendants' Counsel informing them that he would move for an extension of time in the event that the window for responding to any pleadings fall between December 23, 2016 and January 2, 2017. *See* Exhibit A. Defendants did not oppose Plaintiff's request for extension of time². Plaintiff was out of country on a pre-planned vacation in France and Germany with limited access to electronic devices, and was unable to work on his Opposition to Defendants' Motions to Dismiss during this time. *See* Exhibit B.

For the foregoing reasons, Plaintiff requests that the Court enter the attached order extending the time to file his opposition to Defendants' Motion to Dismiss until January 15, 2017.

¹ Neither Deloitte Defendants nor Sawin Defendants moved for extension of time before filing their Motions to Dismiss.

² However on January 3, 2017, Defendants' Counsel notified Plaintiff that they do not consent to Plaintiff's request for extension of time.

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 83.1M(2)

I declare under penalty of perjury that:

No other attorney has prepared, or assisted in the preparation of this document.



Ranjith Keerikkattil

Executed on: January 3, 2017

Dated: January 3, 2017

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of January 2017, Plaintiff's Motion for Extension of Time to File Opposition to Defendants' Motion to Dismiss was served by First Class Mail Postage Prepaid to:

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Ranjith Keerikkattil